

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MORNINGSTAR THOMAS,

Plaintiff,

v.

Case No. 21-cv-1372-bhl

OFFICER FLETCHER, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Morningstar Thomas was a prisoner confined at the Waukesha County Jail and representing himself when he filed this 42 U.S.C. §1983 case. On December 1, 2021, along with his complaint, Thomas filed a motion for leave to proceed without prepaying the filing fee. That same day, the clerk's office mailed Thomas a letter informing him that he had to return, within twenty-one days, a certified copy of his *complete* trust account statement for the six months preceding the filing of his complaint. Dkt. No. 4. The letter warned Thomas that, "Failure to comply with this requirement may result in the Court's dismissal of your case." *Id.* (emphasis in original).

The deadline has passed, and the Court has not received a copy of Thomas' trust account statement, nor has Thomas informed the Court of any challenges preventing him from arranging the submission of his trust account statement. Under 28 U.S.C. §1915(a)(2), a prisoner seeking to proceed with a civil action without prepaying the filing fee must submit a certified copy of his institution trust account statement. Because Thomas has failed to comply with this requirement,

the Court will deny his motion for leave to proceed without prepayment of the filing fee and will dismiss this case without prejudice based on his failure to pay the filing fee.

IT IS THEREFORE ORDERED that Thomas' motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED** and this case is **DISMISSED without prejudice** based on Thomas' failure to pay the filing fee.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Thomas must pay the \$350 statutory filing fee. According to the current list of inmates at the Waukesha County Jail, *available at* <https://www.waukeshacounty.gov/currentinmatelist/>, Thomas is no longer an inmate at the jail. Accordingly, he must pay the \$350 filing fee over time as he is able by sending payments to Office of the Clerk, United States District Court, Eastern District of Wisconsin, 362 United States Courthouse, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202.

Dated at Milwaukee, Wisconsin on January 7, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG
United States District Judge